

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MOONBUG ENTERTAINMENT
LIMITED, et al.,

Plaintiffs,

v.

BABYBUS (FUJIAN) NETWORK
TECHNOLOGY CO., LTD, et al.,

Defendants.

Case No. [21-cv-06536-EMC](#)

**ORDER RE WITNESS DISCLOSURES
AND CROSS DISCLOSURES AND
DEPOSITION DESIGNATIONS AND
COUNTERDESIGNATIONS FOR JULY
18, 2023**

Docket Nos. 534, 535

The Court has reviewed Defendants' disclosures, the Plaintiffs' disclosures, as well as the parties' objections. The Court makes the following rulings.

IT IS SO ORDERED.

Dated: July 17, 2023



EDWARD M. CHEN
United States District Judge

PLAINTIFFS' OBJECTIONS TO DEFENDANTS' DISCLOSURES

The Court reviewed Plaintiffs' objections and addresses them below.

Witnesses	Trial Exhibit No.	P's Objections	Court's Rulings
Yunshan Lin	TE 2365 -- Google Calendar Invite re Call with BabyBus and Moonbug	FRE 401/403 objections to these exhibits previously sustained by the Court. Dkt. 519 at 7-8 (sustaining objections to same exhibits). FRE 802. D responds: "Regarding Defendants' disclosure of TE2365, TE2367-68, TE2372-74, TE3388, TE2360-62, TE2366, TE2369-71, these emails and messages from Moonbug to BabyBus regarding "potential acquisition" and the parties' cross promotion efforts are relevant to Moonbug's failure to mitigate damages and BabyBus' non-willfulness."	OVERRULED. These documents concern correspondence between Lin and Moonbug about setting up a meeting, with Lin declining any acquisition overtures. The Court previously sustained the objection to these documents with Jon Benoy, citing its previous ruling: ""The Court SUSTAINS the objection as to Point 3. Point 3 reads: "Moonbug brought this lawsuit because Babybus rejected its acquisition overtures." Moonbug's motivation in bringing this suit does not make Moonbug's likelihood of prevailing on its claims more or less likely, and it would unduly prejudice the jury." Docket No. 472 at 2." Docket No. 519 at 7-8. But to the extent that these exhibits shed light on Moonbug's failure to mitigate and Babybus' non-willfulness, these exhibits are admissible for those limited purposes and not for the scorned partner argument.
Yunshan Lin	TE 2367 -- Mar. 18, 2021 Robson Email re acquisition		
Yunshan Lin	TE 2368 -- Mar 18, 2021 Robson Email re acquisition		
Yunshan Lin	TE 2372 -- May 14, 2020 Email re acquisition		
Yunshan Lin	TE 2373 -- May 14, 2020 Shelley Email re acquisition		
Yunshan Lin	TE 2374 -- Email from Super JoJo to Helen Wong re Moonbug collaboration		
Yunshan Lin	TE 2369 -- Super JoJo email re Kidscreen meeting	FRE 401/403 (pre-CoComelon acquisition; concerns solely Moonbug music business, not video business; irrelevant to question of infringement of the CoComelon Works);	JUDGMENT RESERVED, pending clarification on whether the proposed collaboration involved alleged infringed or
Yunshan Lin	TE 2360 -- Mar. 30 2020 Super JoJo Email re Moonbug Music		

Yunshan Lin	TE 2361 -- Winn Email to Super JoJo re Moonbug Music	cf. Dk. 519 at 7-8 (previously sustaining objections to similar exhibits). FRE 802.	infringing music rights at issue in this suit.
Yunshan Lin	TE 2362 -- Wong Email to Super JoJo re Moonbug Music		
Yunshan Lin	TE 2366 -- Nov. 4, 2020 Email re Moonbug Music		
Yunshan Lin	TE 2370 -- April 9, 2020 Shelley email re Moonbug Music		
Yunshan Lin	TE 2371 -- May 12, 2020 Email re Moonbug Music		
Yunshan Lin	TE 3388 -- Summary of WeChat Messages (PDF)	FRE 802, 1006 (unclear if the messages were sent and received in one continuous thread together as they are presented or whether this is a summary that is improper/misleading).	SUSTAINED. The PDF is a mashup of WeChat messages between Yun Shan Lin (Babybus) and Helen Wong (Moonbug) about a collaboration. FRE 403.
Yunshan Lin	TE 3461 -- Summary of WeChat Messages (Spreadsheet)	FRE 401/403, 802	SUSTAINED, see above.
Yunshan Lin	TE 2420-2631 -- WeChat Messages between H. Wong and Y. Lin		
Yunshan Lin	TE 843 -- 8/27-2021 Email from YouTube to Super JoJo English about DMCA notifications	FRE 802	OVERRULED.

DEFENDANTS' OBJECTIONS TO PLAINTIFFS' CROSS-DISCLOSURES

The Court reviewed Defendants' objections and addresses them below.

Witnesses	Deposition Designation	D's Objections	Court's Rulings
Yunshan Lin	Ex. 933 – November 30, 2020 text message between Xunjie Zhang and Yunshan Lin [Xunjie Zhang: "Good morning. I watched	402, 403 – short titles are not copyrightable and a discussion of titles is not relevant to this case. 37 C.F.R. § 202.1 ("The following are examples of works not subject to	JUDGMENT RESERVED. Moonbug should show relevance and context.

1	the episode. The title	copyright and applications	
2	should be changed.	for registration of such	
3	Haha. Use Cocomelon	works cannot be	
4	as a reference.”]	entertained: (a) Words and	
5		short phrases such as	
6		names, titles, and slogans .	
7		. . .”); Williams v.	
8		Warner/Chappell Music,	
9		No. CV 07-2683 SVW	
10		(CTX), 2007 WL 9751921,	
11		at *2 (C.D. Cal. Sept. 26,	
12		2007) (recognizing	
13		copyright law denies	
14		protection to single words	
15		and phrases such as titles.).	
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